

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**BAPTIST MEMORIAL HOSPITAL –  
DESOTO, INC.,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO. 2:05CV166-P-B**

**CRAIN AUTOMOTIVE, INC.,**

**DEFENDANT.**

**ORDER**

This matter comes before the court upon Objection of Plaintiff to Magistrate Judge's December 18, 2006 Order [117-1] striking Plaintiff's Exhibits P28 through P37. After due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

The objection should be overruled because the Magistrate Judge's ruling was neither clearly erroneous nor contrary to law.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

(1) Objection of Plaintiff to Magistrate Judge's December 18, 2006 Order [117-1] is **OVERRULED**; therefore,

(2) The plaintiff's trial exhibits P28 through P37 are stricken on the grounds that these exhibits were not timely disclosed to the defendant during the discovery period as required by Fed. R. Civ. P. 26; and

(3) Any and all witnesses are precluded from referring to exhibits P28 through P37.

**SO ORDERED** this the 1<sup>st</sup> day of February, A.D., 2007.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE